**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3326 OF 2007**

Shri Ravindranath J. Patil ...Petitioner

v/s

Maharashtra State Electricity Distribution Co.Ltd. ...Respondents

Mr Uday P. Warunjikar for Petitioner.

Ms A.R.S. Baxi for Respondents.

**CORAM : D.K. DESHMUKH AND V.M. KANADE JJ.**

**DATE : 11TH DECEMBER 2007.**

P.C. :-

1. Rule, returnable forthwith. Heard by consent of the parties.

2. The petitioner makes a grievance in this petition against the order dated 3rd November 2004 whereby punishment of withholding additional increment for three years without giving reasons was imposed on the petitioner on a finding that he is guilty of misconduct. He filed appeal against that order before the First Appellate Authority, raised several grounds challenging the punishment. Perusal of the memorandum of appeal shows that there were grounds made in relation to the appreciation of evidence in the departmental enquiry. There was also a grievance made about non-observance of principles of natural justice during holding of the departmental enquiry. The appeal was disposed off by order dated 17th February 2005. Perusal of that order shows that the grounds that were raised by the petitioner against the order imposing punishment have not at all been considered, only conclusion has been recorded. The order does not show that the Appellate Authority applied its mind to the material on record to appreciate the grounds raised by the

petitioner challenging the finding. The order passed by the First Appellate Authority was subjected to challenge before the Second Appellate Authority. The Second Appellate Authority also dismissed the appeal filed by the petitioner by order dated 12th March 2007. Perusal of that order again shows that only conclusions are recorded, no reasons are given. The order shows that the Second Appellate Authority did not apply its mind to the material on record. Perusal of the orders shows that both the Appellate Authorities have not applied their mind to the material on record for rejecting the challenges raised by the petitioner. The orders therefore are violative of principles of natural justice.

3. Taking overall view of the matter, therefore, the orders passed by the First Appellate Authority and the Second Appellate Authority are set aside. The proceedings are remitted back to the First Appellate Authority for consideration and decision in accordance with law. It is directed that while considering the appeal, the First Appeal authority shall record its finding and give reasons to show that the Authority has applied its mind to the material on record. Rule is made absolute with no order as to costs.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

( D.K. DESHMUKH J.)

( V.M. KANADE J.)